

## Public Hearing Staff Report

June 7, 2007



<b>Case:</b>	<b>9-8-07/10-2-07</b>
<b>Project Name:</b>	<b>Manslick Road Property</b>
<b>Location:</b>	<b>4800-R &amp; 4806 Manslick Road</b>
<b>Owner(s):</b>	<b>Edgemore Development, LLC</b>
<b>Applicant:</b>	<b>Edgemore Development, LLC</b>
<b>Representative:</b>	<b>Mendel Scott &amp; Associates, Inc.</b>
<b>Project Size/Area:</b>	<b>6.24 acres</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>15 – Marianne Butler</b>
<b>Case Manager:</b>	<b>Brian Davis, AICP, Planner II</b>

### **Request**

The applicant requests approval of a change in zoning from R-4 Single Family Residential to R-5A Multi-Family Residential on property located at 4800-R & 4806 Manslick Road (Tax Block 90H, Lots 70 & 71) on 6.24 acres in Louisville Metro.

### **Staff Recommendation**

Staff recommends approval of the detailed district development plan, preliminary subdivision plan and rezoning.

### **Case Summary / Background**

#### ***Summary***

The subject site is located on 6.24 acres in Louisville Metro. The property is currently zoned R-4 Single Family Residential and is within the Neighborhood Form District. The property's frontage is along Manslick Road, which is a minor arterial level roadway.

#### ***Site Context***

To the east of Manslick Road are some single-family residential properties (zoned R-5) and an existing business zoned OR-1 (Docket Number 9-47-78). To the immediate north is the Meadowgate Subdivision, which is an R-4 single family residential subdivision. West of the property is a single family residence of 5.68 acres which is currently zoned R-4. To the south there are more R-4 single family residences.

<b>Land Use / Zoning District / Form District</b>			
	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject</b>			
<b>Existing</b>	Vacant	R-4	Neighborhood
<b>Proposed</b>	Multi-family residential (patio homes and condos)	R-5A	Neighborhood
<b>Surrounding</b>			
<b>North</b>	Single-family residential	R-4	Neighborhood
<b>South</b>	Single-family residential	R-4	Neighborhood
<b>East</b>	Single-family residential/Office	R-5 & OR-1	Neighborhood
<b>West</b>	Large lot single-family residential	R-4	Neighborhood

### **Project History**

<b>Project History</b>	<b>Date</b>	<b>Issues addressed / discussion / changes to proposal</b>
Pre-App. Review	12/11/2006	
Project submittal	1/29/2007	Renderings reviewed, landscaping detail reviewed KYTC approval for Manslick Road OK'ed
LD&T review	3/08/2007	
LD&T review	3/22/2007	
LD&T review	4/12/2007	
Planning Commission Public Hearing	6/7/2007	

Note: The following information represents staff analysis of the subject property with respect to site inspection/observation, sound planning practices, and adopted policies and regulations of the jurisdiction. Materials submitted by the applicant or their representative prior to the deadline for filing information related to cases docketed for this hearing were reviewed and specifically applied in the staff review of this request. The board is advised to consider this staff report as well as new information introduced at the hearing in formulating their decision.

### **Staff Findings**

1. The proposed rezoning could be considered appropriate because of the site's location on Manslick Road, which is an arterial level roadway.
2. Staff finds the proposed patio home housing provides a style of housing that currently is not available in this area of the community.

3. The net density of the proposed development, which is 5.61 dwelling units per acre (gross density is 5.12 du/acre), is between the maximum allowed in the R-4 Single Family Residential (4.84 du/acre) and the R-5 Single Family Residential (7.26 du/acre) districts, which surround the property. The maximum density allowed by the R-5A zoning district is 12.01 du/acre.

***Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)***

This site is not in the area of any small area or neighborhood plans.

**Relationship to Comprehensive Plan – Cornerstone 2020 Plan Elements**

Community Form - The proposed R-5A zoning and site design are not the predominate zoning and development pattern within the area, however; given the proposed density and the site's location on near an arterial roadway, the proposal could be considered appropriate. The proposed structures also provide an alternative type of housing that currently is not available in this area.

The applicant has provided renderings of the proposed structures. The renderings show all brick facades with vinyl accents. The driveways are separated by a landscaped strip to help minimize the scale of the "double" driveways.

The plan complies with requirements for screening/buffering against single-family uses by providing a 15-foot Landscape Buffer Area (LBA) along the property boundaries which must contain a 6' continuous screen and 3.5 trees per 100 feet.

Proposed parking meets the LDC requirements.

Mobility/Transportation - Sidewalks are being provided along the Manslick Road frontage and along the streets within the development.

Trip generation and distribution was provided for this proposal and reviewed by APCD and Transportation Planning.

The applicant has agreed to make improvements along Manslick Road. These improvements include providing a left turn lane and 6 to 8-foot shoulders along the frontage. The applicant will also work with the Kentucky Transportation Cabinet to improve the site distance from the entrance.

Livability Environment - The applicant is not proposing to save any of the existing trees on the site. The applicant will be planting trees to comply with the required 20 percent Tree Canopy Area.

The applicant is proposing to create 0.99 acres of open space, 0.47 of which is recreational open space. This meets the requirements of Chapter 10 of the Land Development Code. The applicant is proposing to include seating areas and a stepping stone walking path within the development.

### **Standard of Review**

Criteria for granting the proposed rezoning:

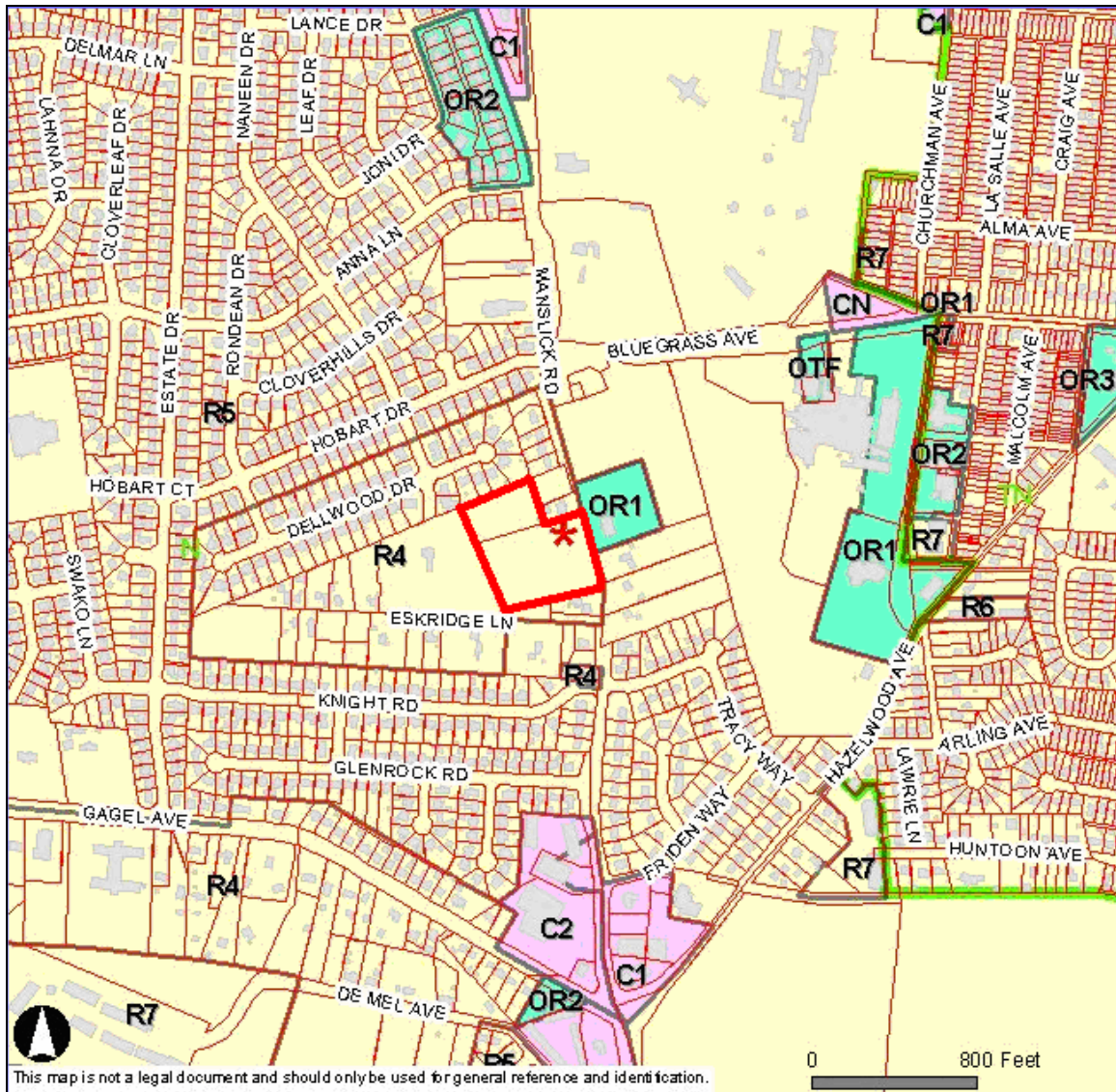
1. The proposed rezoning complies with the applicable guidelines and policies Cornerstone 2020; **or**
2. The existing zoning classification is inappropriate and the proposed classification is appropriate; **or**
3. There have been major changes of an economic, physical, or social nature within the area involved, which were not anticipated in Cornerstone 2020, which have substantially altered the basic character of the area.

### **Notification**

The following forms of notification were provided pertaining to this proposal:

<b>Notification</b>		
<b>Date</b>	<b>Description</b>	<b>Recipients</b>
4/11/07	Notice of LD&T Meeting	Adjoining property owners and neighborhood group listing.
5/07/07	Notice of Public Hearing	Adjoining property owners and neighborhood group listing.

## Attached Documents / Information







### **Proposed Binding Elements**

1. The development shall be in accordance with the approved District Development and Preliminary Subdivision Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).
  2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
  - b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.

4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
7. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
  - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
  - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
  - d. No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.



- e. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.
- 8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
    - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
    - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
    - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
  - 9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
  - 10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  - 11. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant

shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 7, 2007 Planning Commission meeting.
13. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
14. The signature entrance plan shall be submitted to Planning Commission staff for review and approval prior to recording the record plat.
15. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Private Road C. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
16. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
17. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.